

STATE OF MICHIGAN



84TH DISTRICT COURT

MARY G. SORGER
COURT REPORTER

WEXFORD COUNTY

DAVID A. HOGG
DISTRICT JUDGE

BRENDA L. LEWIS
COURT ADMINISTRATOR/
MAGISTRATE

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AUDREY D. VAN ALST
ATTORNEY MAGISTRATE

January 21, 2011

Mr. Corbin R. Davis
Supreme Court Clerk
P.O. Box 30052
Lansing, Mi 48909

Re: ADM File No. 2005-11

Dear Mr. Davis:

I find the content of proposed Canon 5C to be incongruous. A judge cannot permit his or her "title" to be used at a fundraising event, and at the same time disallow the "prestige of office" to be used for that purpose. There is simply no way to make that distinction. Using the title of judge is precisely how the prestige of our office is acknowledged and purposefully conveyed to others.

I also believe that allowing judges to use their titles for fundraising is fundamentally unwise. Cannon 5 is obviously intended to shield citizens from the pressure of judicial solicitation and to avoid partiality when those who were solicited appear in court. But it provides another benefit, perhaps unintended, that is also important. Cannon 5, as it now exists, effectively prevents judges and judicial candidates from using charities to promote themselves. This is especially important around election time. Canon 7B regulates campaign conduct, but nothing in it would prevent me from sponsoring the Judge Hogg Race Against Cancer during my next election campaign.

I'm quite comfortable with the balance struck by existing Canon 5, and I see no benefit in the proposed change. Thank you for considering my comments.

Very truly yours,

Hon. David A. Hogg
84th District Judge

